

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Keysha Gordon, ) CASE NO.: 9:22-cv-03132-DCN  
)  
Plaintiff, )  
vs. ) DEFENDANT PUBLIX SUPER  
Publix Supermarkets, Inc. Store 1354 ) MARKETS, INC., STORE 1354'S NOTICE  
(Hardeeville) and John Doe, ) OF REMOVAL  
Defendants. )  
\_\_\_\_\_  
)

Defendant Publix Super Markets, Inc., Store 1354, incorrectly identified as "Publix Supermarkets, Inc. Store 1354 (Hardeeville) and John Doe" in this civil action filed by Keysha Gordon, Civil Action No. 2022-CP-27-00365, in the Court of Common Pleas for Jasper County, State of South Carolina (the "State Court Action"), files this Notice of Removal to the United States District Court for the District of South Carolina, Beaufort Division, by and through its undersigned attorneys, shows the Court:

1.

On August 4, 2022, Plaintiff Keysha Gordon ("Plaintiff") commenced this pending civil action in the Court of Common Pleas for Jasper County, South Carolina, as Civil Action No. 2022-CP-27-00365.

2.

Defendant was served with a copy of the Summons and Complaint by Certified Mail through its Registered Agent on August 18, 2022.

3.

In lieu of filing an Answer to Plaintiff's Complaint in State Court, Defendant files the Notices of Removal and will file an Answer in this Court pursuant to the Federal Rules of Civil Procedure.

4.

In this action, Plaintiff seeks recovery for personal injury through negligence, gross negligence, and premises liability for an incident which occurred on August 6, 2019 when she allegedly slipped on a slippery substance as she was walking on Defendant's premises.

5.

This action is one over which this United States District Court has diversity jurisdiction, pursuant to 28 U.S.C. § 1332a.

6.

Plaintiff is a resident of South Carolina per her Complaint.

7.

Publix Super Markets, Inc., Store 1354, incorrectly identified as "Publix Supermarkets, Inc. Store 1354 (Hardeeville) and John Doe" is a foreign limited liability company organized under the laws of the State of Florida with its principal place of business also located in Florida. As it relates to Plaintiff's "John Doe" Defendant, 28 U.S.C. § 1441(b)(1) requires the Court to disregard the citizenship of defendants sued under fictitious names in circumstances of removal.

8.

Although Defendant denies liability to Plaintiff, the Complaint contends that Plaintiff's economic and non-economic damages include severe spine trauma, neurological injuries, physical injuries to her upper and lower extremities, permanent physical impairment, past, present, and future medical expenses, loss of enjoyment of life, pain and suffering, and severe

emotional distress. Additionally, Plaintiff is claiming at least \$101,181.41 in medical expenses. These allegations demonstrate, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.

9.

Therefore, the requirements to trigger the diversity jurisdiction of this Court have been met and removal is appropriate pursuant to 28 U.S.C. §§ 1332a and 1446(c)(2)(B).

10.

Contemporaneously with the filing of this Notice of Removal, Defendant will give notice to Plaintiff and will also file a copy of this Notice of Removal with the Court of Common Pleas of Jasper County, South Carolina. A copy of the Notice to Plaintiff of Removal of State Court Action and the Notice to State Court of Filing Notice of Removal are attached as Exhibits A-1 and A-2, respectively.

11.

Attached as Exhibit B to this Notice are true and accurate copies of all process, orders, or pleadings filed in the State Court Action.

12.

By filing this Notice of Removal, Defendant does not waive any defense that may be available to it.

WHEREFORE, Defendant removes this State Court Action to the United States District Court for the District of South Carolina, Beaufort Division.

*[SIGNATURE PAGE TO FOLLOW]*

This 15<sup>th</sup> day of September, 2022.

Respectfully submitted,

COPELAND, STAIR, VALZ & LOVELL, LLP

40 Calhoun Street, Suite 400  
Charleston, South Carolina 29401-3531  
[lweatherly@csvl.law](mailto:lweatherly@csvl.law)  
[kbrown@csvl.law](mailto:kbrown@csvl.law)  
Ph: 843-727-0307

By: *s/Lee C. Weatherly*  
LEE C. WEATHERLY  
Federal Bar No.: 9389  
KIERRA N. BROWN  
Federal Bar No.: 12717  
***Attorneys for Defendant***